

Attachment 3: Confidential Information – made public on April 13, 2015

**PROTOCOL FOR THE IDENTIFICATION AND REVIEW OF
HERITAGE PLACES OF WORSHIP**

Pursuant to Section 3.1.5 of the Official Plan (Heritage Conservation)

City Planning Division

1.0 PURPOSE

This Protocol has been developed to provide direction for the implementation of the heritage policies of the City's Official Plan, as amended by Official Plan Amendment No. 199 ("OPA No. 199"), specifically as they relate to Places of Worship. The Protocol builds on the mutual goals of conserving the cultural heritage values of a heritage Place of Worship and respecting and protecting the faith group's rites of worship.

2.0 BACKGROUND

On April 3, 2013 City Council adopted OPA No. 199, which updated the heritage policies of the Official Plan. This protocol is intended to apply to Places of Worship still used for active worship and to accommodate their continued use as a Place of Worship.

The policies of the Plan dealing specifically with properties that are heritage Places of Worship are as follows:

49. Religious heritage properties constitute a substantial portion of the City's cultural and architectural heritage. Those religious heritage properties that remain in active use for worship purposes will be subject to the policies of this Section of the Plan which, in the event of any conflict, will take precedence over the policies of this Plan.

50. Religious properties may be listed on the Heritage Register and designated under Parts IV and V of the Ontario Heritage Act. The designating by-law shall be consistent with the policies of this Official Plan.

51. The liturgical elements of any religious heritage property in active use for worship shall be excluded from the heritage conservation provisions of this Plan. For the purposes of this section, "liturgical element" means a building element, ornament or decoration that is a symbol or material thing

traditionally considered by a religious organization to be part of the rites of public worship.

52. Faith groups will advise the City as to the identified liturgical elements to be identified in the designating by-law.

53. So long as the place of worship remains in active use for religious purposes interior alterations related to the rites of worship including removal, alteration or installation of structures, fixtures and/or liturgical elements will not be subject to the heritage policies of this Plan.

54. If a heritage review is required for the interior alterations not related to the rites of worship it will be undertaken by the City and faith groups with the mutual goal of conserving the property's cultural heritage values and respecting and protecting the faith group's rites of worship.

55. The City will, in consultation with faith groups, establish a protocol to implement these policies.

3.0 CONTEXT

Religious buildings of various denominations constitute a substantial part of the City's cultural and architectural heritage. Places of Worship are often the most prominent buildings in many of Ontario's communities. The City of Toronto has some of the oldest, largest and most ornate Places of Worship in the country.

This Protocol recognizes that faith groups must adapt to changes in the practice of worship over time. Such adaptations often include the need to reconfigure liturgical elements, structures and/or fixtures related to the rites of worship, within the Place of Worship. For example, in a Christian church the liturgical elements, structures and/or fixtures related to the rites

of worship may include such items as the altar, tabernacle, pulpit, stained glass windows, baptismal font, pews, crucifix, organ, and religious symbols and artwork. Other faiths have different elements of worship that should be treated with the same respect and attention as any Christian liturgical element.

Respecting liturgical requirements includes recognizing that Places of Worship may be required to adapt their property in the light of contemporary revisions of their worship. The re-use of a Place of Worship by another faith may also require changes to the interior of a property to meet the new worship needs.

The policies of the Official Plan introduce several new concepts that this Protocol expands upon and refines in order to make clear the means of implementation. The Protocol thus deals with how a religious heritage property should be designated under Parts IV and V of the Ontario Heritage Act and what considerations may be relevant to applications to alter an identified attribute of a Place of Worship included on the heritage register.

4.0 IMPLEMENTATION GUIDELINES

This protocol is intended to ensure that the application of City Official Plan policies and the City's responsibilities pursuant to the Ontario Heritage Act recognize the right to, and need for, the practice of worship.

It is recognized that the protection, conservation and maintenance of a Place of Worship may have the potential to impact the practice of worship. As such, this protocol sets out guidelines for how City decisions involving the designation, alteration or demolition of a heritage Place of Worship are made. The by-laws implementing those decisions, and staff actions in response to building permit applications, will ensure that the ability of the faith group and congregation to continue to practice its religion in a Place of Worship is not compromised or constrained.

The Official Plan policies implement this principle by requiring that certain liturgical elements, structures and/or fixtures related to the rites of worship within the interior of a Place of Worship will be excluded from the heritage

policies of the Plan. Three Official Plan policies directly implement this principle:

- 51. The liturgical elements of any religious heritage property in active use for worship shall be excluded from the heritage conservation provisions of this Plan. For the purposes of this section, "liturgical element" means a building element, ornament or decoration that is a symbol or material thing traditionally considered by a religious organization to be part of the rites of public worship.*
- 53. So long as the place of worship remains in active use for religious purposes interior alterations related to the rites of worship including removal, alteration or installation of structures, fixtures and/or liturgical elements will not be subject to the heritage policies of this Plan.*
- 54. If a heritage review is required for the interior alterations not related to the rites of worship it will be undertaken by the City and faith groups with the mutual goal of conserving the property's cultural heritage values and respecting and protecting the faith group's rites of worship.*

Identification of Liturgical Elements

The Official Plan policies require that the liturgical elements of the property be identified as part of any designation or listing process under the Ontario Heritage Act. The Plan is specific on the responsibility for the identification, as it states in Section 3.1.5:

- 52. Faith groups will advise the City as to the identified liturgical elements to be identified in the designating by-law.*

Liturgical elements identified by the faith group should be specifically and separately identified within the heritage designation by-law for the purposes of excluding them from the heritage policies of the Plan while the

property is actively used for worship. In appropriate circumstances a defined interior area of a building containing the space where the rites of worship are typically or traditionally conducted, may be identified as a liturgical element. Staff will work in collaboration with a faith group in the identification of the liturgical elements related to the rites of worship. The intent is to ensure that the practice of worship and the liturgical elements related thereto can be altered, arranged and removed in accordance with the requirements of the rites of worship, free from undue hindrance.

Heritage Review of Places of Worship

For religious heritage properties that are currently designated or listed, the faith group making an application to alter liturgical elements, structures and/or fixtures related to the rites of worship, must provide City staff with an understanding of the liturgical elements in the building. It is not the role or function of a staff or City Council to approve such list of liturgical elements, structures and/or fixtures related to the rites of worship, but rather to request sufficient information to understand the relationship to worship practices and the liturgical elements that are reasonably related to those practices.

The Official Plan policies use the phrase *“will not be subject to the heritage policies of this Plan”* as applied to liturgical elements, structures and/or fixtures related to the rites of worship within the Place of Worship. This means that when a faith group submits a building permit application for changes to the designated or listed Place of Worship, the comments from the City Planning Division will not preclude the issuance of the permit under the Ontario Heritage Act, nor will the staff comments require any action on the part of the faith group as a condition of the issuance of the permit, insofar as it relates to the liturgical elements, structures and/or fixtures related to the rites of worship.

Identification of an Active Place of Worship

The Official Plan policies require consideration of whether a Place of Worship is active. Given the wide variety of circumstances that may exist it should be clear that the intent is to ensure that all applicable policies apply

only when the property will no longer be available for continued use by a faith group, in the practice of worship. Properties that may be transferred to another faith group should still be considered 'active', however the City may consult with the new faith group to update the heritage attributes and liturgical elements identified in the designating bylaw.

Properties that may see very limited use or no use for some period of time will still be considered 'active' provided they remain as a Place of Worship in which formal rites of worship may occur according to the tenets of the faith group, and have not been sold or leased for a non-worship purpose. However, properties in active use that see very limited use, or no use, may be subject to conservation requirements including stabilization and maintenance of the property to prevent deterioration due to lack of use or neglect.

The City will consider, in a manner consistent with the procedures under the Ontario Heritage Act, a request by religious groups who own and maintain heritage Places of Worship designated under the Act, to amend the existing heritage designation by-laws to list liturgical elements, structures and/or fixtures related to the rites of worship.

Removal of Liturgical Elements

Should a faith group choose to move to another building, those liturgical elements of the Place of Worship that it considers to be important to the continued worship may be moved. By way of illustration, in a Christian church the altar, windows installed by the congregation, pulpits and pews are examples of liturgical elements of a building that can be intrinsically tied to the history of the religious community and should be able to be moved to a new building with the congregation. Suitable and similar replacements for some integral features, such as stained glass windows, may need to be provided by the congregation, where they are removed as part of the disposition of the property.

Consultation with Faith Groups

In considering a Place of Worship for designation, staff should engage the worship leader of that place early in the designation process. The purpose of this dialogue is to inform the designation process and to afford the faith leader with the opportunity to identify the liturgical elements of the property. Each faith group should appoint a single representative to speak on behalf of the property during any dialogue with the City and its representatives.

This protocol was developed in consultation with the Catholic Archdiocese of Toronto. It is intended to provide the framework for addressing a wide range of heritage Places of Worship. Additional guidelines may be appended to this protocol from time to time based on consultation with other faith groups.